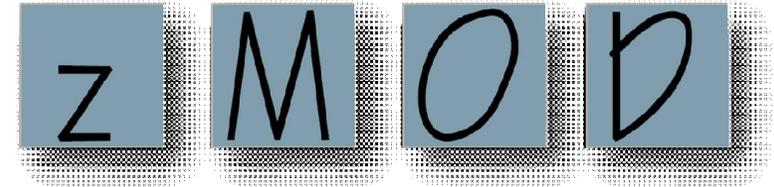




# Zoning Ordinance Modernization Project



zMOD Status and Agreement on Approach to Minor Modifications Amendment

Development Process Committee

May 23, 2017

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Director, OCR

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## zMOD - General Updates

- RFP for consultant services issued; submission response date - June 16, 2017; consultant(s) anticipated to be on board – fall 2017
- Staff has been using the approaches developed with zMOD on other amendments and has been coordinating internal process changes with ZED

# Outreach and Engagement

- We have set up topical meetings with the Planning Commission's Land Use Committee
- We had the first meeting with the Board's Land Use Aides
- We are anticipating scheduling the first meeting of the Citizen's Working Group in June
- We have presented zMOD to groups including the Economic Advisory Commissions Implementation Committee (EAC/IC) and the Northern Virginia Builders Association (NVBIA)/NAIOP

# First Phase Amendments

- Eating Establishments/Fast Food
  - Internal discussions and those with stakeholder community have begun
  - Will present schedule at the next Development Process Committee
- Signs (first Phase related to content neutrality)
  - First draft of Ordinance written – under internal review
  - Will present schedule at the next Development Process Committee
- PDH
  - Minor modification amendment and 30% lot coverage amendment will assist with certain of the PDH issues
  - Will be next amendment undertaken
- Minor Modifications

# Minor Modifications Amendment

# Presentation and Discussion to gain:

- Board agreement on general approach and schedule
- Suggestions for community outreach

Applicability

**Will affect proffered rezonings,  
special exceptions and special  
permits**

# Balance

The Minor Modifications amendment strikes a balance that:

- addresses the need for additional flexibility to respond to changing circumstances
- retains the protections expected by the community

# Overview of Actions to Date

- Revised text written for proffered rezonings to inform recommendations
- “Plain English” outreach paper completed describing major components of amendment
- Proposed schedule developed

## The Minor Modification Amendment:

- does not change that proffers and development conditions are part of the zoning regulations of the property, unless changed by a subsequent zoning action by the Board
- streamlines and reformats the text to be more user friendly; eliminates duplicate text and unnecessary verbiage; uses more understandable language

For proffered rezonings, special exceptions and special permits

- continues to allow the Zoning Administrator to permit certain administrative changes provided that they are in substantial conformance with the approval and remain true to the intent of the approved proffers or development conditions
- adds more staff flexibility to the existing provisions in four areas

1. Exempts solar collectors and other innovative energy technology structures less than 10 feet in height from building height and roof top coverage limitations

*Addresses instances where, for example, solar collectors on the roof of a multi-story office building would have exceeded the allowable building height and rooftop coverage limits*

2. Excludes from the definition of gross floor area and the calculation of FAR any incidental increase in interior space created by the replacement of a façade material on an existing building

*Addresses an issue that arose in the repositioning of an existing office building, where the replacement of the precast façade with a glass façade increased interior space which resulted in a floor area which exceeded the maximum permitted*

### 3. Permits staff to change color of signs and typeface

*Addresses instances where an amendment was required to change the color of signs for a bank when the corporate colors changed*

## 4. Increases the allowable size for minor building additions and simplifies the provisions

Current Provisions		Proposed Provisions	
Places of Worship and Places of Worship with child care centers/schools	The greater of 500 square feet or 5% of the total approved floor area up to a maximum of 2500 square feet	All Uses	5% of the approved floor area up to a maximum of 2500 square feet
All Other Uses (less than 50,000 square feet GFA)	5% of the approved floor area up to a maximum of 500 square feet		
All Other Uses (50,000 square feet GFA or greater)	1% of the approved floor area		

*treats all uses the same, making it easier for property owners to determine how much of an addition is allowable; clarifies that cellar space could be allowed as a minor building addition*

# Additional Requests - New Avenue for Approval

Adds additional flexibility and streamlines the process by creating a new avenue for the Board to act on five types of requests, with public notice, as an Action Item at a Board meeting

# Public Notice Requirements

- For an application affecting no more than 25 parcels, written notice goes
  - To the owners of those parcels
  - To the owners of any parcels abutting and or across the road from the affected parcels
  - If any portion of the affected property is within a P District, to an HOA that has members owning property located within 2,000 feet of the affected property
- For an application affecting more than 25 parcels, notice goes to the owners of all parcels
- Timing of notice: at least 5 days before the BOS action by law, but County can establish longer time period

1. Permits the addition or modification of a use which is not specifically precluded by proffers or conditions, if the new use does not have a greater land use impact than the approved use(s)

*Allows new uses in places such as shopping centers*

2. Permits an increase in building height, provided the resultant height does not exceed 15% of the approved height, add more than one story, exceed the maximum height of the zoning district, or materially impact adjacent properties

*Addresses circumstances that arise during final engineering such as the discovery of subsurface rock that would be costly to remove and therefore would necessitate a change in elevation and an increase in building height*

3. Permits a modification to proffered minimum yard dimensions and distances from lot lines for decks, patios, and other permitted extensions related to single-family dwellings and for setbacks in other uses, if the modified dimensions would not adversely impact adjacent properties and not impact other proffered elements such as streetscape

*Addresses homeowner requests to modify minimum yard dimensions and setbacks beyond those which can be approved as minor modifications and developer requests to modify setbacks*

4. Permits the modification or deletion of active recreation uses shown on a development plan

*Addresses requests from HOAs or Management Companies to change a proffered active recreation facility to a completely passive recreation facility to reflect community preferences*

5. Permits modification of proffer commitments to transportation demand measures, including commitments to alternative transportation modes such as shuttle service that are underutilized or have become ineffective as development circumstances have changed

*Address circumstances that have occurred where a shuttle was proffered, but a public bus system has abrogated the need for the shuttle, or when there has been a proffer to the distribution of metro smart cards at a hotel, which is too specific and not well utilized*

# Schedule - Minor Modification Amendment

- BOS Development Process Committee May 23
- PC Land Use Process Committee May 25
- Authorization of concept by BOS June 5 or June 20
- Citizen Committee June
- Citizen/Industry Engagement June – September
- BOS Development Process Committee/ Draft Text July or September
- BOS Authorization with Text September 26
- Planning Commission Public Hearing October. TBD
- BOS Public Hearing November 21

# Discussion and Questions

- Board agreement on general approach and schedule
- Suggestions for community outreach